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★SEPT 14 2005★

Division of
Enforcement

BROOKLYN OFFICE

September 7, 2005

BY FACSIMILE

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11202

Granted
So ordered

s/John Gleeson

JKDS
9-7-05

Re: *CFTC v. Stuart Pippin, Case No. CV 05 4120 (JG)*

Your Honor:

I am a Trial Attorney for the U.S. Commodity Futures Trading Commission, Plaintiff in the above captioned matter.

The parties in this matter are scheduled to appear before Your Honor tomorrow at 11:30 A.M. on the Commission's motion to convert the *ex parte* statutory restraining order issued by the Court on Monday, August 29, 2005 into a preliminary injunction.

I have been in contact with the Defendant, and we have agreed in principle on the terms of a preliminary injunction. Accordingly, we request to be excused from tomorrow's appearance and expect to file a consent order of preliminary injunction with the Court on or before September 15, 2005. Defendant Stuart Pippin has agreed to this request as well.

Thank you for your attention to and consideration of this matter.

Respectfully,

Sheila Marhamati
Trial Attorney

cc: Mr. Stuart Pippin
940 Myrt Street
Kerrville, Texas 78028